

State of South Dakota

EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

745M0156

HOUSE BILL NO. 1080

Introduced by: Representatives Rhoden, Boomgarden, Bradford, Brunner, Buckingham, Cutler, Davis, Deadrick, Dykstra, Elliott, Faehn, Frost, Fryslie, Garnos, Gassman, Gillespie, Glenski, Glover, Hackl, Halverson, Hanks, Hargens, Haverly, Heineman, Hennies, Hills, Howie, Hunhoff, Hunt, Jensen, Jerke, Klaudt, Koistinen, Kraus, Krebs, Kroger, Lange, McCoy, McLaughlin, Michels, Miles, Murschel, Nelson, Novstrup, Olson (Ryan), Pederson (Gordon), Peters, Putnam, Rausch, Rave, Roberts, Sebert, Street, Thompson, Turbiville, Valandra, Van Etten, Weems, and Wick and Senators Lintz, Adelstein, Apa, Bartling, Bogue, Broderick, Dempster, Duenwald, Duniphan, Earley, Gant, Gray, Greenfield, Hansen (Tom), Hanson (Gary), Hundstad, Kelly, Kloucek, Koetzle, Kooistra, Koskan, McCracken, McNenny, Moore, Napoli, Nesselhuf, Olson (Ed), Peterson (Jim), Schoenbeck, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to restrict the use of eminent domain under certain
2 circumstances and to protect certain private property rights from acquisition by the use or
3 threat of eminent domain.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. No county, municipality, or housing and redevelopment commission, as provided
6 for in chapter 11-7, may acquire private property by use of eminent domain:

7 (1) For transfer to any private person, nongovernmental entity, or other public-private
8 business entity; or

9 (2) Primarily for enhancement of tax revenue.

10 Section 2. No county, municipality, or housing and redevelopment commission, as provided



1 for in chapter 11-7, may transfer any fee interest in property acquired by the use or threat of
2 eminent domain within seven years of acquisition to any private person, nongovernmental
3 entity, or public-private business entity without first offering to sell such fee interest back to the
4 person who originally owned the property, or such person's heirs or assigns, at current fair
5 market value, whether the property has been improved or has remained unimproved during the
6 interval, or at the original transfer value, whichever is less.